UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1140

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CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v.	Magistrate Case No.
	COMPLAINT FOR VIOLATION OF:
	Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Jose Javier RIVERA-Garcia, **Jose Luis CUEVAS-Miramontes** Defendant(s)	Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **April 09, 2008,** within the Southern District of California, defendants **Jose Luis CUEVAS-Miramontes** and **Jose Javier RIVERA-Garcia** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Roberto BECERRA-Barrerra, Jorge RAMIREZ-Ibarra,** and **Luis Manuel HERNANDEZ-Ramirez** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **14th** DAY OF **APRIL 2008.**

Barbara L. Major
UNITED STATES MAGISTRATE JUDGE

G-J

CONTINUATION OF COMPLAINT:
Jose Javier RIVERA-Garcia
Jose Luis CUEVAS-Miramontes

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

Furthermore, the complainant states that **Roberto BECERRA-Barrera, Jorge RAMIREZ-Ibarra, Manuel HERNANDEZ-Ramirez** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 11, 2008 at approximately 4:00 am, Senior Patrol Agents D. Medina and J. Castillo were performing intelligence operations in a plain-clothes capacity and traveling in unmarked Department of Homeland Security vehicles. Senior Patrol Agent J. Angeli was in full Border Patrol uniform and traveling in a marked Border Patrol Sedan. Agent Medina and Agent Castillo were patrolling Japatul Road in Alpine, California. This area is approximately three miles west of the Tecate, California Port of Entry and eight miles north of the United States/Mexico International boundary. Japatul Road is a known corridor for alien smuggling.

At approximately 4:02 am, Agent Medina observed a Ford Expedition, stop in the middle of the road at the 18 mile marker of Japatul Road and turn it's headlights off. This was deemed suspicious by Agent Medina, as this area is remote and there is no major intersection nearby. It's also a notorious load spot for alien smugglers. Agent Medina then turned his vehicle around in order to investigate further and headed eastbound on Japatul Valley Road until he located the Ford Expedition as it reached Interstate 8. Agent Medina noticed that the vehicle seemed to be heavily laden. The vehicle then reached Interstate 8 westbound. The Agents were joined by Senior Patrol Agent J. Angeli in his marked agency sedan. Believing that the vehicle was involved in alien smuggling, Agent Angeli conducted a vehicle stop on the Expedition in order to conduct an immigration inspection of its occupants. The driver complied and came to a stop on the Mollison Street exit off of Interstate 8. The Agents approached the vehicle on foot and immediately noticed seven adults attempting to conceal themselves in the rear of the vehicle. Agent Angeli identified himself as a Border Patrol Agent queried all occupants in the vehicle as to their immigration status. All nine individuals, including the driver, defendant **Jose Luis CUEVAS-Miramontes** and front seat passenger, defendant **Jose Javier RIVERA-Garcia**, admitted to being citizens and nationals of Mexico illegally present in the United States. At 5:31 a.m. Agent Angeli placed all nine subjects under arrest and transported them to Brown Field Border Patrol Station for processing.

CONTINUATION OF COMPLAINT:
Jose Javier RIVERA-Garcia
Jose Luis CUEVAS-Miramontes

DEFENDANT STATEMENT: Jose Luis CUEVAS-Miramontes

Defendant Jose Luis CUEVAS-Miramontes was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. CUEVAS stated that he made arrangements to smuggle aliens into the United States with a man named Adolfo Guitierrez. CUEVAS stated he was a passenger in three previous smuggling loads; he was learning the routes and was paid $300.00. CUEVAS stated he was shown the route and smuggled four to six illegal aliens each time and took them to either the 7-11 or Target parking lot in San Jacinto, California. CUEVAS then turned the bodies over to Luis. CUEVAS also stated that they have a lookout named Carlos who informs the drivers when the Interstate 15 Checkpoint is non-operational. CUEVAS claims this was the first time he made the trip on his own. CUEVAS was to be paid approximately $100 US dollars per alien on this trip. CUEVAS admitted that the front seat passenger, defendant Jose Javier RIVERA-Garcia is the foot guide in this load. CUEVAS admitted that a cell phone found in his possession during his arrest contained the number to Adolfo (Guitierrez) whom he receives calls from. Adolfo tells him where and at what time he is to pick up illegal aliens. CUEVAS and the foot guide, RIVERA-Garcia, Jose Javier, both have Adolfo's phone numbers in their phones.

DEFENDANT STATEMENT: Jose Javier RIVERA-Garcia

Defendant Jose Javier RIVERA-Garcia was advised of his rights as per the Miranda Warning. The defendant admitted that he understood his rights and agreed to be interviewed without representation. RIVERA stated that he made arrangements in Tijuana to smuggle aliens into the United States with a man named Adolfo Guitierrez. RIVERA stated he worked for Adolfo Gutierrez two years ago as a foot-guide until he was formally deported. RIVERA claims this is the first time since he was deported that he is working as a foot-guide. On this occasion he was to be paid $200.00 US per alien smuggled. RIVERA states he crossed the Border illegally with the seven illegal aliens on Wednesday (April 9, 2008). They walked until they arrived at the pick up spot which he knew from his prior smuggling events. A cell phone found in his possession during his arrest contains the number to Adolfo (Gutierrez). RIVERA also had in his possession $154 US and 4160 Mx Pesos that he claims were proceeds used for alien smuggling.

MATERIAL WITNESSES STATEMENTS:

Material witnesses **Jorge RAMIREZ-Ibarra, Luis Manuel HERNANDEZ-Ramirez and Roberto BECERRA-Barrera** agree in summary that they are citizens and nationals of Mexico illegally present in the United States. They admit to entering the United States illegally. The material witnesses stated that they were to pay $1,500.00 to $2,000.00 (USD) to be smuggled into the United States. Material witnesses HERNANDEZ-Ramirez and BECERRA-Barrera were shown a photographic line up and were able to identify defendant Jose Javier RIVERA-Garcia as the man who guided their route through the mountains.

CONTINUATION OF COMPLAINT:
Jose Javier RIVERA-Garcia
Jose Luis CUEVAS-Miramontes

Executed on April 12, 2008 at 10:00 a.m.

Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **2** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **April 11, 2008,** in violation of Title **8**, United States Code, Section **1324**.

Barbara L. Major
United States Magistrate Judge

4/12/08 at 11:49
Date/Time